

BOARD BILL NO. 58

INTRODUCED BY: ALDERWOMAN MARLENE DAVIS

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in Papin from Grand eastwardly 282.00 feet to a point and
3 adjacent to City Block 2212 and 2213 in the City of St. Louis, Missouri, as hereinafter described, in
4 accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter
5 and imposing certain conditions on such vacation.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel,
8 between the rights-of-way of:
9

10 A parcel of ground in City Blocks 2212 and 2213, in the City of St. Louis, Missouri,
11 more particularly described as follows:
12

13 Beginning at the eastern line of Grand Avenue, irregular width, with
14 the southern line of Papin Street, 60 feet wide; thence north 15
15 degrees 29 minutes 30 seconds east 60.00 feet, along the eastern line
16 of said Grand Avenue, to the northern line of said Papin Street, to a
17 Point; thence south 75 degrees 00 minutes 00 seconds east 282.00
18 feet, to the northern line of said Papin Street, to a Point; thence south
19 15 degrees 29 minutes 30 seconds west 60.00 feet, to the southern
20 line of said Papin Street, to a Point; thence north 75 degrees 00
21 minutes 00 seconds west 282.00 feet, along the southern line of said
22 Papin Street, to the eastern line of said Grand Avenue and to the
23 Point of Beginning and containing 16,932 square feet as prepared by
24 Pitzman's Company.
25

26 are, upon the conditions hereinafter set out, vacated.

27 **SECTION TWO:** Saint Louis University will use proposed vacated area to consolidate
28 property. The Water Division has a 6" water main with appurtenances in Papin in the area of the
29 proposed vacation. The Water Division will require an easement allowing for uninhibited access to
30 the water main for the purposes of maintenance and repair. Access to the fire hydrant cannot be
31 inhibited for either the Water Division or the Fire Department. No construction of any kind can

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1 occur on or over the water main or appurtenances with the prior review or approval of the Water
2 Commissioner.

3 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
4 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
5 including present and future uses of utilities, governmental service entities and franchise holders,
6 except such rights as are specifically abandoned or released herein.

7 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
8 surface pavement of said so vacated street provided however, all utilities within the rights-of-way
9 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

10 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
11 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
12 for purposes associated with the maintenance, construction or planning of existing or future
13 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
14 required.

15 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
16 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
17 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
18 service entities and franchise holders, present or future. The written consent with the terms and
19 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
20 agencies as needed and approved by such Board prior to construction.

21 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
22 of a utility, governmental service entity or franchise holder by agreement in writing with such
23 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
24 undertaking of such removal.

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1 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
2 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
3 have curbing cobblestones returned to the Department of Streets in good condition.

4 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
5 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
6 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
7 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
8 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
9 deposited by these agencies with the Comptroller of the City of St. Louis.

- 10 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
11 Water facilities, if any.
- 12 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
13 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
14 be returned.
- 15 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
16 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
17 specified in Sections Two and Eight of the Ordinance.

18 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
19 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
20 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
21 will be forwarded to the Board of Public Service for acceptance. Once the Board of Public Service
22 has accepted the affidavit, the Director of Streets will give notice to have the affidavit and mylar
23 recorded. If the affidavit is not recorded within the prescribed time, the ordinance will be null and
24 void.

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